

Second Reply to Restriction and Election of Species Requirements

REMARKS

This reply is being timely filed as February 15, 2010, which falls on a Monday, is a Federal holiday.

Claims 1-28 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-6 and 27;

Group II, claims 7-10;

Group III, claims 11-13;

Group IV, claim 14;

Group V, claim 15;

Group VI, claim 16;

Group VII, claims 17-19;

Group VIII, claims 20-23;

Group IX, claim 24;

Group X, claims 25-26; and

Group XI, claim 28.

As stated in the Notice of Non-Compliance, the Examiner has required an election of species (3)-(8).

Previously, Applicants made the following elections.

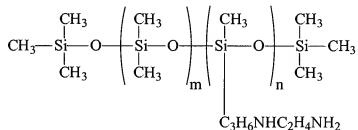
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For the purpose of examination of the present application, Applicants elected, with traverse, Group I, claims 1-6 and 27, directed to the hair treatment composition. Claims 1-6 and 27 are readable upon the elected subject matter. Applicants traverse for reasons of record.

Also, for the purpose of examination of the present application, Applicants elected the species of Example 1 (claims 1-6 and 27). As acknowledged by the Examiner, at least claim 1 is generic.

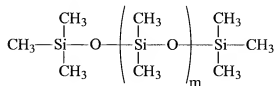
Regarding the Notice of Non-compliance, Applicants elect, with traverse as follows:

- species (3) of the amino-modified silicone with the tradename: "KF-8005" as used in Examples 2-5. This compound has the following structure:



wherein m is 300 and n is 1. Claim 10 reads on this species.

- species (4) of solution of a highly polymerized methylpolysiloxane with the tradename: "KF-9013" used in Example 4. The solution consists of 80% by weight of decamethylcyclpentasiloxane (so-called "D5") and 20% by weight of a highly polymerized dimethylpolysiloxane having the following structure:



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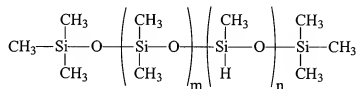
Claim 12 reads on this species.

- species (5) of glycerol, which is used in Examples 2-4. Claim 15 reads on this species.
- species (6) of sodium polyacrylate described at page 17, line 1 of the specification.

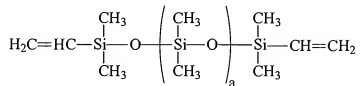
Claim 16 reads on this species.

- species (7) of stearyl trimethyl ammonium chloride, which is used in Example 4. Claim 17 reads on this species.
- species (8) of crosslinked organopolysiloxane as described in the paragraph bridging pages 18-19.

An example of the crosslinked organopolysiloxane is the addition reaction product of the methylhydrogenpolysiloxane below with the alkenyl-containing methylpolysiloxane below:



wherein m is 80 and n is 2;



wherein a is 50.

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Conclusion

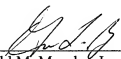
An early and favorable action on the merits is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No. 48,501, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: February 16, 2010

Respectfully submitted,

By  #48,501
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